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Division Bench (Civil)

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Miscellaneous Petition No. 390 of 1987

Petitioner: Janpad Panchayat, Nawagarh (Janjgir),
a body corporate established under
section 4(2) of the M.P. Panchayat Adhiniyam,
1981, Tahsil Janjgir, District Bilaspur, M.P.

Versus

Respondents:

1. State of M.P., through the Secretary,
Local Self Government, Vallabh Bhawan,
Bhopal.
2. Collector, Bilaspur District Bilaspur.
3. Municipal Council, Shivrinarayan,
Tahsil Janjgir, District Bilaspur.

PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA.



[Signature]
Administrative Officer
Advocate General Office
M. P. Jabalpur

आदेश पत्रक

W.P. No. 390/87

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>22/4/2002</u> Shri Rajeev Shrivastava for the petitioner. Shri Gautam Bhaduri, Govt. Advocate, for respondents no.1 and 2. Shri Manindra Shrivastava for respondent no.3. Heard. By this petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 21/1/1987 (Annexure-P/1) passed by the Collector, who has assigned the rights of management of Shivri Narayan Mela in favour of the Municipal Council, Shivri Narayan/respondent no.3. Counsel for the petitioner submits that the order passed by the Collector (Annexure-P/1) is cryptic, without any reason and is against the provisions of law. Counsel for the respondent no.3 on the other hand disputes the fact and contends that the order has been	

[पीछे देखिये]

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	passed keeping in mind the facts and circumstances of the case. Section 90 of Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 is relevant and is quoted below : <u>"90. Disputes between Panchayats and other local authorities-</u> (1) In the event of any dispute arising between two or more Panchayats or Panchayat and any other local authority in any matter in which they are jointly interested such dispute shall be referred to the State Govt. and the decision of the State Government thereon shall be final : Provided that if the dispute is between a Panchayat and a cantonment board the decision of the State Government shall be subject to approval of the Central Govt. (2) The State Govt., may by rules made under this Act, regulate the relations between Panchayats and Panchayat and other local authorities in matters in which they are jointly interested." Therefore, it is evident from the aforesaid Section that in case any dispute arises between two or more Panchayats or Panchayat and any other local authority in any matter in which they are jointly interested, such dispute shall be	

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	referred to the State Government and the decision of the State Government shall be final. Having thus considered the facts and circumstances, the material available on record and in view of the provisions of Section 90 of the aforesaid Adhiniyam, in the opinion of this Court, it would be just and proper if the matter is referred to the State Government, which shall hear and decide the same in accordance with law within four months from the date of production of the certified copy of this order before it. Any party aggrieved may challenge the same afresh. With the aforesaid observations, this petition is disposed of. Security, if any, deposited by the petitioner shall be refunded. Certified photo copy as per rules.	Sd/- Fakhruddin Judge

Handed

28/11/87
29/11/87
15.9.87

[पीछे देखिये]